

11/26/01
J1135 U.S. PTO

Patent
Attorney's Docket No. 003300-855

JC986 U.S. PTO
09/991792
11/26/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/029,333 filed on March 13, 1998, for ANTISECRETORY FACTOR PEPTIDES REGULATING PATHOLOGICAL PERMEABILITY CHANGES, by the following named inventor(s):

- | | | |
|-----|-----------|--------------------|
| (a) | Full Name | Ivar LÖNNROTH |
| (b) | Full Name | Stefan LANGE |
| (c) | Full Name | Eva JOHANSSON |
| (d) | Full Name | Eva JENNISCHE |
| (e) | Full Name | Christina LÖNNROTH |

- ☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- ☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- | | | |
|-----|-----------|-------|
| (a) | Full Name | _____ |
| (b) | Full Name | _____ |
| (c) | Full Name | _____ |

- ☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.



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- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

- ☒ Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.
1. ☒ Enclosed is a copy of the prior Application No. 09/029,333 as originally filed on March 13, 1998, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☐ and in accordance with the enclosed preliminary amendment:

C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$740.00 (101)
Total Claims	19	MINUS 20 =	0	× \$18.00 (103) =	0
Independent Claims	3	MINUS 3 =	0	× \$84.00 (102) =	0
If multiple dependent claims are presented, add \$280.00 (104)					
Total Application Fee					740
If small entity status is claimed, subtract 50% of Total Application Fee					
Add Assignment Recording Fee of \$__ if Assignment document is enclosed					
TOTAL APPLICATION FEE DUE					740.00

5. ☒ Charge \$ 740.00 to Deposit Account No. 02-4800 for the fee due.
6. ☐ A check in the amount of \$ _____ is enclosed for the fee due.



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7. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
8. ☒ Cancel in this application original claims 1-19 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
9. ☒ New drawings are enclosed.
10. ☒ Priority of Application No. 9502936-9 filed on August 24, 1995 in SWEDEN (country) is claimed under 35 U.S.C. § 119.

☒ The certified copy of the priority application

☐ is enclosed.

☒ was transmitted by the International Bureau in prior Application No. 09/029,333, filed on March 13, 1998, and acknowledged by the Examiner on March 20, 2000 in Paper No. 15.

☐ has not yet been filed.

11. ☒ The specification has been amended to include the following before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of Application No. __, filed on __.--.
- ☒ --This application is a ☒ continuation ☐ divisional of U.S. Application No. 09/029,333, filed on March 13, 1998, which was a national stage filing under 35 U.S.C. § 371 of International Application No. PCT/SE96/01049 filed on August 23, 1996, which International Application ☒ was ☐ was not published by the International Bureau in English on March 6, 1997, and which claims priority to Swedish Application No. 9502936-9 filed August 24, 1995.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on __, which International Application ☐ was ☐ was not published by the International Bureau in English on __.--.
12. ☐ A preliminary amendment is enclosed.
13. ☒ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.



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15. ☒ Also enclosed Declaration Pursuant to 37 C.F.R. §§ 1.821-1.825; Sequence Listing; Communication.
16. ☒ The power of attorney in the prior application is to Burns Doane Swecker & Mathis LLP.
- a. ☒ The power appears in the original papers in the prior application.
 - b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. ☒ Recognize as Associate Attorney Mercedes K. Meyer, Reg. No. 44,939.
 - d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Benton S. Duffett, Jr.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: November 26, 2001

By: 

Mercedes K. Meyer
Registration No. 44,939

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

- ☐ inventor(s)
- ☐ assignee of complete interest
- ☒ attorney or agent of record
- ☐ filed under 37 C.F.R. § 1.34(a)



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	BOX: SEQUENCE
)	
Ivar LÖNNROTH <i>et al.</i>)	Group Art Unit: Unassigned
)	
Application No.: Unassigned)	Examiner: Unassigned
)	
Filed: November 26, 2001)	
)	
For: ANTISECRETORY FACTOR)	
PEPTIDES REGULATING)	
PATHOLOGICAL PERMEABILITY)	
CHANGES)	

DECLARATION PURSUANT TO 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

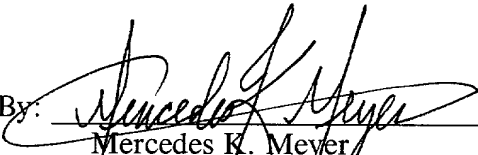
Sir:

I, Mercedes K. Meyer, declare as follows:

1. That the content of the paper and computer readable copies of the Sequence Listing, are the same in compliance with § 1.821(f) as those submitted in the parent application, U.S. Patent Application Serial No. 09/029,333.
2. That the inclusion of the paper copy and computer readable form, filed in accordance with 37 C.F.R. § 1.821(g), herein is not believed to include any prohibited new matter.
3. That the computer readable form found in U.S. Patent Application Serial No. 09/029,333, submitted in accordance with 37 C.F.R. § 1.825(d), does not go beyond the disclosure of the international application and is believed to be supported by the specification.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: November 26, 2001

By: 
Mercedes K. Meyer
Registration No. 44,939

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Ivar LÖNNROTH <i>et al.</i>)	Group Art Unit: Unassigned
)	
Application No.: Unassigned)	Examiner: Unassigned
)	
Filed: November 26, 2001)	
)	
For: ANTISECRETORY FACTOR)	
PEPTIDES REGULATING)	
PATHOLOGICAL PERMEABILITY)	
CHANGES)	

COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants file herewith a Continuation Application pursuant to 37 C.F.R. § 1.53(b). Applicants note that this continuation is based on the specification of U.S. Application No. 09/029,333, filed March 13, 1998, which was in turn a national stage filing under 35 U.S.C. § 371 of International Application No. PCT/SE96/01049, filed August 23, 1996. Applicants have amended the specification to reflect the claim for priority starting at the first line after the title. Applicants have also amended the specification to correct typographical and spelling errors and have added an Abstract based on the Abstract published with the International PCT application. These amendments to the specification are not believed to introduce any prohibited new matter.

Applicants introduce in the new specification claims 1-19 which are directed towards synthetic proteins and polypeptide, compositions comprising these proteins and

polypeptides and methods of using same. Support for these claims can be found at least in the claims as originally in the parent application, and in paragraphs 31 and 53. Thus, these claims are not believed to introduce any prohibited new matter.

Applicants also submit a paper copy of the Sequence Listing submitted in the parent application, U.S.S.N. 09/029,333. The Sequence Listing in the parent application is believed to be compliant with all the requirements of 37 C.F.R. § 1.821(e). The paper copy is believed to be identical to the computer readable form also found in U.S.S.N. 09/029,333. Applicants request that the Office use the computer readable form from U.S.S.N. 09/029,333 as permitted under 37 C.F.R. § 1.821(e) in lieu of filing a duplicate computer readable form.

These amendments to the specification were made to the application to place the application in better condition for publication and examination. A favorable action on the merits is respectfully solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at his or her earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

Mercedes K. Meyer
Registration No. 44,939

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: November 26, 2001